

Rule 69. Execution, proceedings supplemental to execution, foreclosure sales

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(E) Proceedings supplemental to execution. Notwithstanding any other statute to the contrary, proceedings supplemental to execution may be enforced by verified motion or with affidavits in the court where the judgment is rendered alleging generally:

- (1) that the plaintiff owns the described judgment against the defendant;
- (2) that the plaintiff has no cause to believe that levy of execution against the __defendant will satisfy the judgment;
- (3) that the defendant be ordered to appear before the court to answer as to his non-exempt property subject to execution or proceedings supplemental to execution or to apply any such specified or unspecified property towards satisfaction of the judgment; and,
- (4) if any person is named as garnishee, that garnishee has or will have specified or unspecified nonexempt property of, or an obligation owing to the judgment debtor subject to execution or proceedings supplemental to execution, ~~and that the garnishee be ordered to appear and answer concerning the same or answer interrogatories submitted with the motion.~~

If the court determines that the motion meets the foregoing requirements it shall, ~~ex parte and without notice,~~ order the judgment debtor, ~~other named parties defendant and the garnishee~~ to appear for a hearing thereon ~~or to answer the interrogatories attached to the motion, or both.~~

The motion, along with the court's order stating the time for the appearance and hearing ~~or the time for the answer to interrogatories submitted with the motion,~~ shall be served upon the judgment debtor and other existing parties as provided in Rule 5, ~~and other parties and a summons shall be issued to~~ the garnishee ~~shall be entitled to service of process~~ as provided in Rule 4.

The plaintiff may serve interrogatories upon the garnishee in accordance with Rule 33. The date fixed ~~for appearance and hearing or to~~ answer ~~to~~ interrogatories under an order shortening time shall not be ~~not~~ less than twenty [20] days after service.

No further pleadings shall be required, and the case shall be heard and determined and property ordered applied towards the judgment in accordance with statutes allowing proceedings supplemental^{ly} to execution. In aid of the judgment or execution, the judgment creditor or his successor in interest of record and the judgment debtor may utilize the discovery provisions of these rules ~~in the manner provided in these rules for discovery or as provided under the laws allowing proceedings supplemental.~~

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